

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

FMS INVESTMENT CORP., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	No. 18-204C (consolidated)
THE UNITED STATES,)	
)	Judge Thomas C. Wheeler
Defendant,)	
)	
and)	
)	
PERFORMANT RECOVERY, INC., and)	
WINDHAM PROFESSIONALS, INC.)	
)	
Intervenor-Defendants.)	

**DEFENDANT’S MOTION TO
SUPPLEMENT THE ADMINISTRATIVE RECORD**

Defendant, the United States, respectfully moves to supplement the administrative record filed on March 9, 2018, with materials related to the Department of Education’s (ED) review of Alltran Education Inc.’s (Alltran) proposal for the solicitation that is the subject of these consolidated bid protests. Those materials were filed under seal, with a contracting officer certification, on April 27, 2018. ECF No. 185.

On April 5, 2018, the bid protest *Alltran Education, Inc. v. United States*, COFC No. 18-498C, was consolidated with this action. ECF No. 173. Supplementation of the administrative record with the materials specific to the review of Alltran’s proposal is necessary to ensure that the administrative record before the Court includes all of the materials upon which the source selection authority relied when making the decision not to award a contract to Alltran. *See Axiom Res. Mgmt., Inc. v. United States*, 564 F.3d 1374, 1379 (Fed. Cir. 2009).

For these reasons, we respectfully request that the Court grant this motion and order supplementation of the administrative record with the Alltran-related materials filed on April 27, 2018, at docket number 185.

Respectfully submitted,

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ROBERT E. KIRSCHMAN, JR.
Director

s/ Patricia M. McCarthy
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